

REMARKS

The Examiner's continued attention to the application is noted with appreciation. Also noted with appreciation is the telephone interview granted on April 29, 2009 with the Examiner, Supervisor Chilcot; and Patent Attorney Hilary A. Noskin and Patent Agent Philip Askenazy of Peacock Myers, P.C. Independent claims 1, 18 and 30 have been amended. Amendments have been made to clarify the invention. No new matter has been added.

Claims Rejected Under 35 U.S.C. § 103

The Examiner rejected claims 1,7, 10-11, 16-17, 38-40 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329). The Examiner states that the rectilinear shape would have been obvious; however Applicant's use of the word "rectilinear" appears to be different than the Examiner's use of this word. Thus, in order to clarify the invention, and in reference to the substantive portion of the above-mentioned Examiner's interview, Applicant has amended independent claims 1, 18 and 30 in accordance with recommendations of the Examiner and The Supervisor to detail the description of the taper and of the invention in combination with the roof. This amendment uses the term "straight-sided" instead of "rectilinear."

Applicant's amended claim 1 recites: "A skylight system comprising: a tapered light tube comprising a tube comprising a top and a bottom and integral sides, said tapered light tube being straight-sided along its entire length and wider at said top than at said bottom; said light tube intersecting with a roof to stop and seal said light tube with the roof; said light tube closed at said top and at said bottom; and a skylight at said top of said tube."

In the Office Action, the Examiner stated that Martinet has a rectilinear shape along its entire length. Martinet does not disclose a straight-sided device, nor does Martinet disclose a sealing intersect with the roof. Martinet discloses a device with a trumpet-like flared shape and reflectors or rims. The Martinet outer rim holds the inner tubular device, is secured to the roof and allows the tube to tilt (see Col. 2, lines 55-60; Figs. 1 through 4). Martinet, Col. 2 beginning at line 56, states "has a trumpet-like flared shape." Hoy discloses a straight-sided tube, but the device disclosed by Hoy is not tapered and is not wider at the top than at the bottom (Figs. 1 and 2) and requires flashing to seal the intersect with the roof.

As described above, Martinet neither teaches nor renders obvious Applicant's invention, and Hoy does not remedy the deficiencies of Martinet. Therefore, we believe that independent claim 1 is allowable over Martinet in view of Hoy.

Claims 7, 10-11, 16-17, 38-40 are dependent on claim 1. Accordingly, we believe that these claims are also allowable over Martinet in view of Hoy.

The Examiner rejected claims 3-5, 18, 21-22, 28-32, 41-42 and 45-47 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of Boyd (U.S. Patent No. 2,858,734). The Examiner states that Martinet in view of Hoy discloses the skylight system of claim 38 (we assume that there is a typographical error and this should have read "claim 18") but does not disclose a diffused dome. The Examiner further states that Boyd discloses a diffused dome. Applicant respectfully disagrees, but has amended the claims, as described below.

In accordance with the Examiner's and Supervisor's recommendations, independent claims 1, 18 and 30 have been amended. Claim 18, as amended, recites "An installed skylight system on a roof comprising: a tapered light tube comprising a tube comprising a top and a bottom and integral sides, said tapered light tube being straight-sided along its entire length; said tube wider at said top than at said bottom; said light tube intersecting with the roof to stop and seal said light tube with the roof; said tapered light tube directly contacting the roof and requiring no flashing; a diffused dome disposed at and sealed at a top of said light tube; a diffuser disposed at and sealed at a bottom of said light tube; and said combination of said light tube, said top dome and said bottom diffuser permanently sealed."

Claim 30, as amended, recites: "A method of assembly of a skylight system on a roof comprising: providing a skylight system comprising a tapered light tube, straight-sided along its entire length, with a top and a bottom and integral sides; the light tube wider at the top than at the bottom; disposing a diffuser to the light tube at the bottom of the light tube; cutting a hole in the roof; lowering the skylight system through the hole in the roof; contacting the tube directly with the roof using no flashing; stopping the lowering of the skylight system at a roof intersect thereby sealing, said light tube with the roof; and disposing a completely diffused dome atop the light tube."

Martinet does not have a straight-sided tube along its entire length or a diffused dome and does not allow for contacting the tube directly with the roof using no flashing. Martinet has the trumpet-shaped tube (described above), uses flashing to seal the system to the roof, and additionally uses separate pieces for connection to the roof. Martinet uses and needs flashing and every connection is an opening. Martinet, as a skylight system, is not operable on and/or in a building without flashing. Martinet also does not disclose a permanent seal. The Examiner stated (page 9) that "flashing can be removed without affecting the actual skylight system." As is well-known in the art, a skylight that requires flashing must be installed with flashing to prevent roof leaks. Installation is a key component, and Martinet requires installing a skylight that needs flashing. Without this flashing, it could cause untold damage to the roof, building structure and anything that the roof is protecting. Therefore, it is not appropriate or accurate to state that a skylight system that requires flashing can be installed without flashing.

Applicant discloses a straight-sided, tapered light tube in direct contact with the roof, that intersects with the roof, does not use flashing, and has a completely diffused dome. Applicant also discloses that the intersection of the skylight with the roof stops the skylight, because of the taper of the light tube, and seals the skylight system into place. Applicant's invention (see claims 18 and 30) discloses a permanently sealed light tube to prevent moisture, dust and insects from contaminating the skylight system.

Hoy et al., as described above, discloses a rectilinear tube that does not taper at all. Martinet in view of Hoy et al. do not disclose a diffused dome.

Boyd does not cure the deficiencies of Martinet in view of Hoy et al. Boyd discloses a spherically shaped skylight which fits on top of roofing materials, is held by a curb and bracket, and requires flashing. Boyd states, "Referring to Figs. 1 and 2, the skylight comprises a circular block **20** made of light-transmitting material such as glass or plastic which is mounted on a curb **21** surrounding the opening in ceiling **22**. The block **20** is circular in plan view and comprises spaced walls **23**, **24** and a peripheral rim **25** which rests on a gasket **26** supported by the top of the curb **21**. The block **20** is held in position on the curb **21** by any suitable means such as a peripheral bracket **27**" (see Col. 2, lines 55 to 63). Thus, Boyd requires flashing to form a seal with the roof, and does not have a straight-sided (along its entire length),

tapered light tube. Therefore, we believe independent claims 1, 18 and 30 are allowable over Martinet in view of Hoy et al. in view of Boyd.

Accordingly, it is believed that that claims 3-5, 21-22, 28-32, 41-42 and 45-47 are allowable over the references cited by the Examiner.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of DeBlock (U.S. Patent Application Publication No. 2003/0066254 A1). The Examiner rejected claims 23 and 37 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of Boyd (U.S. Patent No. 2,858,734) in view of DeBlock (U.S. Patent Application Publication No. 2003/0066254 A1). The Examiner rejected claims 12 and 15 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of Lynch (U.S. Patent No. 5,596,848). The Examiner rejected claims 24, 26 and 33 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of Boyd (U.S. Patent No. 2,858,734) in view of Lynch (U.S. Patent No. 5,596,848). The Examiner rejected claims 13-14 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of Chao et al. (U.S. Patent No. 5,896,713). The Examiner rejected claims 25, 27 and 34 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of Boyd (U.S. Patent No. 2,858,734) in view of Chao et al. (U.S. Patent No. 5,896,713). The Examiner rejected claim 35 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of Peterson (U.S. Patent No. 6,351,923). The Examiner rejected claim 36 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Hoy et al (U.S. Patent No. 6,604,329) in view of Boyd (U.S. Patent No. 2,858,734) in view of Peterson (U.S. Patent No. 6,351,923).

Claims 8, 12-15, 23-27, and 33-37 are dependent on independent claims 1, 18 and 30. We believe claims 1, 18 and 30, as amended, are allowable over all references cited. Accordingly, we believe that claims 8, 12-15, 23-27, and 33-37 are believed to be allowable over all references cited.

None of the references presented by the Examiner teach nor render obvious Applicant's invention, either alone or in combination. None of the references presented by the Examiner cure the deficiencies of any of the other references. Therefore, we believe that Applicant's invention as claimed is in condition for allowance and an allowance is respectfully requested.

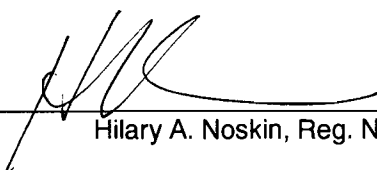
Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

Dated: _____

By: _____


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